IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4233 of 1983

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MUNICIPAL CORPORATION - Petitioner(s)
Versus
CORE CONSULTANT PVT LTD - Respondent(s)

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Appearance :
MR JR NANAVATI for Petitioner(s) : 1,
SERVED BY AFFIX.-(R) for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

Date : 07/03/2006

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Mr. J.R. Nanavati, learned Sr. Advocate for the petitioner is heard. None for the respondent. The

office report shows that the respondent was served by affixture.

2. In a building on fourth floor on which eleven rooms were situate, the respondent was occupying rooms nos. 60 and 61 as the owner thereof. The petitioner – Ahmedabad Municipal Corporation fixed rateable value at Rs. 41,856/- jointly for 11 rooms of the fourth floor of the building. The respondent, the owner of the rooms nos. 60 and 61, being aggrieved by fixation of the tax/rateable value, took up the matter in appeal to the Chief Small Cause Court at Ahmedabad, wherein, the appeal was registered as Municipal Valuation Appeal No.2578 of 1980. The learned Judge, after hearing the parties, observed that the area of the two rooms of the respondent was 50 sq.mts. and the ground floor rent was Rs. 3.50 per sq.mt., as fixed in M.V.A. No. 2319/80 and therefore, it would be prudent to fix the rent of the rooms of fourth floor at Rs. 1.25 ps. per sq.mt. It accordingly fixed the rent at Rs. 62.60 ps. per month and rateable value at Rs. 750/-.

3. After hearing Mr. Nanavati at length and taking into consideration that the matter is in relation to assessment for the year 1979-80, we are unable to hold that the rise of rent at this stage should affect our

jurisdiction and discretion. The learned Judge appears to have taken into consideration the prospects and consequences and has, in our considered opinion, come to a positive and valid conclusion.

4. We find no reason to interfere. The petition is dismissed. Rule is discharged. No costs.

[R.S. GARG, J.]

[BANKIM.N.MEHTA, J.]

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